

The tenant for life must keep down the interest of the debt with which the estate is encumbered.

the tenant, by curtesy, such proportion of the purchase money as the Court shall think just and equitable, and in decreeing such proportion of the said purchase money to the said tenant, the Court shall be directed by the age, health and condition of such tenant. Rev. Code, Art. 47, sec. 58. The forty-first rule of the Circuit Court of Baltimore City, provides, that the allowance to a healthy tenant by the curtesy, shall be three times as much as would be allowed a widow of the same age.

When an infant is seized of a reversion dependent upon a life estate, the Court may with the assent of the tenant for life order the annual interest, or such part thereof as may be deemed equitable to be paid to the tenant for life, during his life. Rev. Code, Art. 66, sec. 26.

Where any person is entitled by deed or devise to a life estate in an undivided part of the real estate of an intestate, the same proceedings shall be had as are directed in statutory rule in the case of tenants by curtesy. Rev. Code, Art. 47, sec. 61.

The propriety of using the Tables of Mortality and Interest, instead of the Equity Rules, to determine the value of life estates, has been in several cases considered by the Courts. In *Dorsey v. Smith*, 7 H. & J. 346, the value of an annuity for life charged on land was in question. The Court declared that the Equity Rules and not the Tables furnished the proper rule for ascertaining the value of the annuity, and that the tables existing at that time being based on observations made entirely in Europe, could not be relied on in this country.

In *Peyton v. Ayers*, 2 Md. Ch. D. 65, it appeared that a mortgage had been given by the defendants to the complainants to secure the payment of a sum annually during the life of another. The bill was filed for the sale of so much of the property as should be necessary to pay the debt. The Chancellor alluded to the great difference in the value of the life-estate when determined by the Equity Rules and by the Tables, and the injustice of the former method of apportionment, but he regarded the opinion of the Court of Appeals in *Dorsey v. Smith* as final, and binding on him. He intimated, however, that, had the question first arisen at the time he speaks, a different decision would have been made by the Court. In this case the value of the annuity was not computed, but the principal was invested under limitations securing the payment of the annuity as originally created.

The rule is the same as to personalty. Where bank stock was held in trust for one for life with remainder to her children, and the life-tenant consented to a sale, it was held that the equity rules and not the tables must be used to determine the proportion of the proceeds payable to the life-tenant. *Abercrombie v. Riddle*, 3 Md. Ch. D. 325.

In this case the life-tenant was in delicate health, and in computing her allowance, five years were added to her age on account of this fact.

In *Hoffman v. Rice*, 38 Md. 284, the equity rules were used to determine the value of a husband's estate by curtesy initiate. The Court said: "This has been long accepted and adopted in the Chancery practice of this State as the correct method of ascertaining the present value of estates for life in land and life estates of all descriptions other than dower or those embraced by some legislative provision."

In *Williams' Case* the Chancellor after examining with much learning the various tables existing at that time reached the conclusion that none of them could be adopted by the Court in its proceedings for want of sufficient